

## **Expedited type 2 Annexation**

An Expedited Type 2 Annexation must be signed by all the property owners within the area proposed to be annexed. Under a Type 2 annexation the territory to be annexed may not, at any time, be withdrawn or excluded from the township(s) pursuant to ORC 503.07, unless an alternative is provided by either an annexation agreement or a CEDA. The annexed land thus remains subject to the township's real property taxes. The following additional provisions apply to Expedited Type 2 Annexations:

- A. Notices to political subdivisions and certain property owners must be sent by the agent for the petitioners.
- B. Under this procedure the problem of land uses incompatible to the property adjacent to the area to be annexed which remains in the township(s) is addressed provided the territory to be annexed was subject to zoning at the time the petition was filed. Provisions are included for zoning "buffers" to be imposed by a municipality upon the owner of the land to protect adjacent property remaining in the township(s).
- C. The township(s) and municipality may consent or object to the proposed annexation on the basis that one or more of the statutory conditions for and Expedite Type 2 Annexation (which are outlined below in provision F) have not been met.
- D. If both the township(s) and the municipality consent to annexation, the commissioners must adopt a resolution granting the petition at their next regular session.
- E. If either the township(s) or the municipality objects to the annexation, the commissioners must "review" the petition and grant or deny the petition not less than 30 nor more than 45 days after filing. Please note: this is not a hearing.
- F. The commissioners must grant the petition if the following conditions have been met:
  - 1. The petition meets all of the technical requirements.
  - 2. The petition was properly filed.
  - 3. The persons who signed the petition are owners of property in the area proposed to be annexed.
  - 4. The petition contains the signatures of all of the property owners in the area proposed to be annexed.
  - 5. The area proposed to be annexed does not exceed 500 acres.
  - 6. The territory proposed to be annexed shares a common boundary with the municipality for a continuous length of at least 55 of the perimeter of the territory proposed to be annexed.
  - 7. The annexation will not create an unincorporated area of the township(s) that is completely surrounded by the area proposed to be annexed.
  - 8. The municipality has agreed to provide the area proposed to be annexed the services specified in the municipal services statement.

9. If a street or highway will be divided by the boundary between the municipality and the township(s) so as to create a road maintenance problem, the municipality has agreed, as a condition for annexation, to assume road maintenance responsibility or to otherwise correct the problem.
- G. There is no appeal from an Expedited Type 2 Annexation. Any party may, however, seek a writ of mandamus to compel the board to perform its duties under this special procedure.